

FILED

12-08-2021

John Barrett

Clerk of Circuit Court

2021CV007446

Honorable Carl Ashley-33

Branch 33

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

EDGAR MATTA-VELAZQUEZ
225 W. Sunnyview Dr.
Oak Creek WI 53154,

Plaintiff,

STATE OF WISCONSIN DEPARTMENT
OF HEALTH SERVICES
c/o Office of Legal Counsel
1 W. Wilson St.
Madison, WI 53703,

Subrogated Plaintiff,

v.

SUMMONS

CORP SERVICE
12-9-21 950AM
By Pet Dept

Case No.:

Case Code: 30107 - Other

PILOT TRAVEL CENTERS, LLC
Registered Agent: Thomas E. Reinhart
Registered Agent: CT Corporation System
301 S. Bedford St., Suite 1
Madison, WI 53703,

GHI INSURANCE CO.,
A foreign or domestic insurance corporation
Name and address unknown,

ABC CORPORATION,
A foreign or domestic corporation
Name and address unknown,

JKL INSURANCE CO.,
A foreign or domestic insurance corporation
Name and address unknown,

Defendants.

THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT

YOU ARE HEREBY NOTIFIED that the Plaintiff named above has filed a lawsuit or
other legal action against you. The complaint which is attached states the nature and basis of

the legal action.

Within forty-five (45) days after receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Circuit Court for Milwaukee County whose address is 901 N. 9th St. Milwaukee, WI 53233, and to the Plaintiff's attorney, Ricardo F. Estrada, whose address is 100 East Wisconsin Avenue, Suite 1020, Milwaukee, Wisconsin, 53202. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated at Milwaukee, Wisconsin this 7th day of December, 2021.

SPERLING LAW OFFICES LLC
Attorneys for Plaintiff

Electronically signed by: Ricardo F. Estrada

Ricardo F. Estrada
State Bar No. 1056278

P.O. ADDRESS:

100 East Wisconsin Avenue
Suite 1020
Milwaukee, Wisconsin 53202
(414) 273-7100

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STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

EDGAR MATTA-VELAZQUEZ,

Plaintiff,

STATE OF WISCONSIN DEPARTMENT
OF HEALTH SERVICES,

COMPLAINT

Subrogated Plaintiff,

v.

Case No.:

Case Code: 30107 - Other

PILOT TRAVEL CENTERS, LLC,
GHI INSURANCE CO.,
ABC CORPORATION,
JKL INSURANCE CO.,

Defendants.

NOW COMES the plaintiff, Edgar Matta-Velazquez, by his attorneys, Sperling Law Offices LLC, by Ricardo F. Estrada, and as and for a complaint against the above-named defendants, hereby shows to the Court as follows:

1. That the plaintiff, Edgar Matta-Velazquez (hereinafter Matta) is an adult individual residing at 225 W. Sunnyview Dr., in the City of Oak Creek, State of Wisconsin.
2. Upon information and belief, the subrogated plaintiff, State of Wisconsin Department of Health Services, with its home offices located at 1 West Wilson Street, City of Madison, County of Dane, State of Wisconsin, may have provided certain medical benefits to the plaintiff, Mr. Matta, as a result of the injuries described below. Plaintiff alleges doubt as to whether or not said subrogated party is truly subrogated or interested in this action, but that said party is a Subrogated Plaintiff for the purpose of complying with the provisions of Sec. 803.03 Wis. Stats.

3. That upon information and belief, the defendant, Pilot Travel Centers, LLC (hereinafter Pilot) is a foreign corporation with its registered agent's address located at address listed above, and was the owner, leasee and/or operator of the store at issue in this case.

4. That defendant GHI Insurance Company Insurance Company, is a foreign or domestic insurance corporation; the name, address, registered agent, registered offices and state of incorporation of which are presently unknown to the plaintiff and that in place of the actual name of the defendant insurance company, a fictitious name is being used for the defendant pursuant to Wis. Stats. 807.12. That upon information and belief, the defendant, GHI Insurance Company, provided liability insurance to the defendant, Pilot, and/or their respective agents/employees, and that by reason of said insurance policy and the alleged negligence of the defendant, Pilot, and/or their respective agents/employees, and the provisions of Wis. Stats. 803.04(2), the defendant GHI Insurance Company, is a proper party defendant herein.

5. That Defendant ABC Corporation is an individual or a foreign or domestic corporation or entity; the name, address, registered agent, registered offices and state of incorporation are presently unknown to the Plaintiff and that in place of the actual name of the Defendant individual or corporation/entity, a fictitious name, ABC Corporation, is being used for the Defendant pursuant to Wis. Stats. 807.12. At all times material herein, said defendant owned, maintained, managed, operated, controlled, and/or provided snow and ice removal services and/or other maintenance, at the property located at or near 2031 W. Ryan Rd. in the City of Oak Creek, State of Wisconsin, where Plaintiff was injured. By reason of the alleged negligence of Defendant ABC Corporation and/or its agents and/or employees, Defendant ABC Corporation is a proper party Defendant herein.

6. That the defendant, JKL Insurance Company, is a foreign or domestic insurance corporation; the name, address, registered agent, registered offices and state of incorporation of which are presently unknown to the plaintiff and that in place of the actual name of the defendant insurance company, a fictitious name is being used for the defendant pursuant to Wis. Stats. 807.12. That upon information and belief, the defendant, JKL Insurance Company, provided liability insurance to the defendant, ABC Corporation, and/or their respective agents/employees, and that by reason of said insurance policy and the alleged negligence of the defendant, ABC Corporation, and/or their respective agents/employees, and the provisions of Wis. Stats. 803.04(2), the defendant, JKL Insurance Company, is a proper party defendant herein.

FIRST CAUSE OF ACTION: NEGLIGENCE

7. Plaintiff hereby realleges and reincorporates by reference the allegations set for in paragraphs 1 through 6 of the complaint.

8. That on or about the 11th day of March 2019, the plaintiff, Mr. Matta, was a patron of the defendant Pilot, located at or near 2031 W. Ryan Rd. in the City of Oak Creek, State of Wisconsin, when he slipped and fell on ice that was negligently left in the area near the gas pumps of said Pilot gas station.

9. That the defendants Pilot, ABC Corporation, and/or their respective employees/agents were careless and negligent in that they failed to, among other things, maintain, inspect, and repair the premises in question, that they created and/or caused a dangerous condition, and that they did not warn of such a condition.

10. That by failing to warn of, failing to block off, and/or failing to maintain and/or remedy said dangerous condition, defendants, Pilot, ABC Corporation, and/or their agents/employees, were negligent and breached a duty of care owed to Plaintiff.

11. As a result or substantial factor of such negligence, plaintiff, Mr. Matta sustained multiple injuries, suffered great pain of body and mind, incurred medical and hospital expenses and lost wages; that the Plaintiff's injuries may be permanent in nature, thereby causing the Plaintiff to suffer pain and disability in the future, incur medical and hospital expenses in the future, sustain loss of earning capacity, all to his damage in an undisclosed amount pursuant to Wisconsin Statutes.

SECOND CAUSE OF ACTION: WIS. STATS. 101.11

12. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 11 of the Complaint.

13. That at all times materials, the plaintiff, Mr. Matta, was a frequenter, as said term is used in Chapter 101, Wis. Stats, upon the aforementioned premises of the defendant, Pilot.

14. That the Defendant Pilot, and/or their employees/agents, were in violation of the Safe Place Statute, Chapter 101, Wis. Stats., in that they failed to:

- a. Provide a place which is as safe as the nature of the place would have reasonably permitted;
- b. Provide, adopt and use methods and processes which are reasonably adequate to render the place of employment safe;
- c. Maintain, inspect and repair the premises in question; and
- d. Warn frequenters, such as the Plaintiff that there was a dangerous condition.

15. That as a substantial factor of the defendant Pilot, and/or their employees'/agents' negligence and violation of the Wisconsin Safe Place Statute, plaintiff, Mr. Matta, suffered the damages described in paragraph 11 of the complaint.

WHEREFORE, the plaintiff, Edgar Matta-Velazquez, hereby demands judgment against the defendants as follows:

- A. Compensatory and other damages in an amount to be determined by the trier of fact;
- B. All of the costs, disbursements, and attorney's fees of this action;
- C. All interest due and owing pursuant to Wis. Stat. § 628.46; and
- C. Any other relief the Court deems just and equitable.

PLAINTIFF DEMANDS TRIAL BY A JURY OF TWELVE (12) PERSONS

Dated this 7th day of December, 2021 at Milwaukee, Wisconsin.

SPERLING LAW OFFICES LLC
Attorneys for Plaintiff

By: Electronically signed by: Ricardo F. Estrada
Ricardo F. Estrada
State Bar No. 1056278

P.O. ADDRESS:
100 East Wisconsin Avenue
Suite 1020
Milwaukee, Wisconsin 53202
Telephone: (414) 273-7100

STATE OF WISCONSIN**CIRCUIT COURT****MILWAUKEE**Edgar Matta-Velazquez et al vs. Pilot Travel Centers, LLC
et al**Electronic Filing
Notice**Case No. 2021CV007446
Class Code: Other-Personal Injury**FILED****12-08-2021****John Barrett****Clerk of Circuit Court****2021CV007446****Honorable Carl Ashley-33****Branch 33**PILOT TRAVEL CENTERS, LLC
301 S. BEDFORD ST. SUITE 1
MADISON WI 53703

Case number 2021CV007446 was electronically filed with/converted by the Milwaukee County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 85bf7c

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4120.

Milwaukee County Circuit Court
Date: December 8, 2021